IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 1098 of 2005

Between:

Kanakollu Nageswara Rao S/o.late Pedda Narayana Swamy, R/o.4-1-6, Pullerugattur, Gunadala, Vijayawada Krishna District.

..... PETITIONER

AND

1 The Inspector of Police (North), Machavaram L & O

Police Station, Vijayawada, Krishna District.

2 The Sub Inspector of Police Machavaram Police

Station, Vijayawada, Krishna District.

3 Veeramasetti Suresh Kumar S/o.Late Nageswara Rao
R/o.D.No.48-1-6B, Near Small Rice Mill gunadala,

Vijayawada, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or directions more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 and 2 in interfering into civil disputes is illegal and contrary to law and violation of principles of natural justice and consequently direct the respondents 1 and 2 not to interfere with the peaceful possession of the petitioners house bearing No.48-1-6, Opp.Chinna Rice Mill, Gunadala, Vijayawada, Krishna District and to pass such other order or orders.

Counsel for the Petitioner: MR.T.PRADYUMNA KUMAR REDDY

Counsel for the Respondents 1&2.: GP FOR HOME

The Court at the admission stage, made the following :

ORDER:

Petitioner states that his son-in-law, the third respondent, harassed his daughter and in relation thereto, crime No.6 of 2005 was registered on the file of the second respondent. It is his case that the third respondent sought to dispossess him from a house belonging to him, on the strength of an ex parte interim order in O.S.No.14 of 2005 on the file of IV Addl. Junior Civil Judge, Vijayawada and that he filed a complaint about the highhanded action of the third respondent on 21.1.2005, before the respondents. Petitioner alleges that the respondents 1 and 2 are trying to evict him from the suit house, at the instance of the third respondent and hence seeks appropriate directions in this regard.

2. Heard learned counsel for the petitioner and learned Government Pleader for Home.

3. On a perusal of the affidavit filed in support of the petition and the material papers and from the submissions made by the counsel for the petitioner, it is evident that the third respondent had filed a civil suit against the petitioner in relation to certain property. It is for the parties to the suit to workout their remedies. Their relations are to be governed by the orders that may be passed by the Civil Court from time to time. Except when the Civil Court itself issues a specific direction according permission to any particular party, the respondents 1 and 2 are not supposed to interfere in the matter.

4. Hence the writ petition is disposed of directing that the respondents 1 and 2 shall not interfere in the disputes between the petitioner and the third respondent, except where any law and order problem arises in relation thereto. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 31.01.2005

RAR

To

1 The Inspector of Police (North), Machavaram L & O

Police Station, Vijayawada, Krishna District.

2 The Sub Inspector of Police Machavaram Police

Station, Vijayawada, Krishna District.
3 2 CCs to G.P for Home, High Court Bldgs,Hyd.(OUT)

4 2 CD copies.